

TOWN OF WENHAM



OFFICE OF THE TOWN CLERK
138 Main Street, Wenham, MA 01984

BUSINESS CERTIFICATES (DBA)

WHAT is a business certificate?

Commonly referred to as a D.B.A. (doing business as), a business certificate creates a public record of the name and address of the owner(s) of a business. A business certificate registers the name of the business only. It is not a permit to conduct business in a residential district. It carries no zoning benefits. The owner must comply with the town's zoning bylaws and other regulations. (Depending on the nature of the business, you may need a permit from the zoning department.)

WHO must file a business certificate?

Massachusetts General Law Chapter 110, §5 states that any person conducting business in the Commonwealth under any title other than the real name of the person, whether individually or as a partnership, shall file a business certificate in the office of the clerk of the city or town where the business is located.

Under Chapter 110, §6 a business certificate is not required if a corporation is doing business in its true corporate name, or if a partnership is doing business under any title which includes the true surname of any partner. Certain other associations and partnerships may also be exempt (refer to above citation for details.)

WHERE to file a business certificate?

Business certificates can be obtained from the Town Clerk. Each person named on the certificate must either sign the form in person at the Town Clerk's Office, or have their signatures on the form notarized by a Notary Public. Proper identification will be required. The filing fee is \$20.

HOW long is the certificate valid?

A business certificate is in effect for four (4) years from the date of issue. A new filing must be made every four years as long as the business is being conducted.

What needs to be done if there are CHANGES to the DBA?

If there are any changes to the business as noted on the certificate prior to the expiration date, a form must be completed and filed with the Town Clerk if one of the following occurs before the expiration: Business is discontinued, one or more of the persons on the certificate is withdrawn retired or deceased, one or more of the persons on the certificate change residence, or the location of the business has changed.

VISIBILITY of the business certificate:

You must provide a copy upon request during regular business hours to any person who has purchased goods or services from your business.

What is the PENALTY for failing to file a business certificate?

The requirement to file a business certificate is a State Law (MGL Chapter 110, §5). Failure to do so is punishable by a fine of up to \$300.00 per month of violation.

Are business certificates public documents?

Yes. The business certificates are on file with the Town Clerk's Office until one year after expiration, and may be viewed by anyone making a request.

Does the filing of a business certificate protect me from others using the same name?

No. The protection of a trademark (word, name, symbol or device) in Massachusetts is accomplished through the Secretary of State's Office.